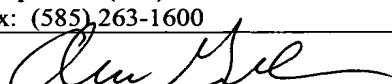


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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/597,513
		Filing Date	June 20, 2000
		First Named Inventor	Collmer et al.
		Group Art Unit	1638
		Examiner Name	Anne R. Kubelik
Total Number of Pages in This Submission	2	Attorney Docket Number	19603/3306 (CRF D-2136B)

ENCLOSURES (check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply (\$ _____) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request (\$ _____) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement (\$ _____) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Notice to File Missing Parts/ Incomplete Application (\$ _____) <input type="checkbox"/> A copy of the Notice to File Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition (\$ _____) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer (\$ _____) <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Notice of Appeal and Request for Three-Month Extension of Time) (\$760) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input checked="" type="checkbox"/> A self-addressed, prepaid postcard for acknowledging receipt <input type="checkbox"/> Other Enclosure(s) (please identify below): <input checked="" type="checkbox"/> Check in the amount of \$ <u>760</u>	
		Remarks	
		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm <i>or</i> Individual name	Andrew K. Gonsalves Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603-1051 Telephone: (585) 263-1658 Fax: (585) 263-1600	
Signature	 Registration No. 48,145	
Date	December 21, 2004	

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]		
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December 21, 2004	 Signature Laura L. Trost Typed or printed name	
Date		



PATENT
Docket No.: 19603/3306 (CRF D-2136B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Collmer et al.)
Serial No. : 09/597,513)
Cnfrm. No. : 5828)
Filed : June 20, 2000)
For : DNA ENCODING *PSEUDOMONAS*)
 SYRINGAE HYPERSENSITIVE RESPONSE)
 ELICITOR AND ITS USE)

Examiner:
Anne R. Kubelik
Art Unit:
1638

NOTICE OF APPEAL
AND
REQUEST FOR THREE-MONTH EXTENSION OF TIME

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Primary Examiner's decision dated June 21, 2004, finally rejecting claims 40-51.

Applicants hereby request an extension of time of three months from the due date of September 21, 2004.

Enclosed is a check in the amount of \$760, which covers the \$250 cost of the appeal fee and the \$510 cost of the extension of time. Please charge any additional fees which may be required or credit any overpayment to Deposit Account No. 14-1138. A duplicate copy of this form is attached.

12/28/2004 AWONDAF1 00000099 09597513

01 FC:2401
02 FC:2253

250.00 OP
510.00 OP

Dated: December 21, 2004

Respectfully submitted,

Andrew K. Gonsalves
Registration No. 48,145

NIXON PEABODY LLP
Clinton Square, P. O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1658
Facsimile: (585) 263-1600

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Date	Laura L. Trost
12/21/04	